

BEFORE THE BOARD OF SOCIAL WORK EXAMINERS

STATE OF IDAHO

COPY

In the Matter of the License of:)
)
JOANN M. SAUNDERS,) Case No. SWO-P6A-02B-03-15
License No. LCSW-552,)
)
Respondent.) **FINDINGS OF FACT,**
) **CONCLUSIONS OF LAW**
) **AND RECOMMENDED ORDER**

SWO\Saunders\P40291gd

Having reviewed the Complaint and other documents in this matter, the Hearing Officer hereby enters the following Findings of Fact, Conclusions of Law, and Recommended Order:

FINDINGS OF FACT

1. Joann M. Saunders, aka Joann M. Saunders-Sundwall (hereinafter "Respondent") is licensed by the Idaho State Board of Social Work Examiners (hereinafter "Board") under License No. LCSW-552 to engage in the practice of social work.

2. On December 30, 2003, a formal administrative Complaint was filed in this matter with the Board. Said Complaint is expressly incorporated herein and made a part hereof.

3. Copies of the Complaint, along with the Notification of Procedural Rights, were sent to Respondent on December 30, 2003, by means of the United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail. The mailings were addressed to Respondent at her most recent address on file with the Board, as follows:

Joann M. Saunders
No. 10055-023
FCI Dublin
5701 8th Street – Camp Parks
Dublin, CA 94568

4. The certified mail return receipt was returned to the Bureau of Occupational Licenses on January 13, 2004, indicating that the copy of the Complaint sent by certified mail was received at Respondent's address on January 5, 2004, and the copy of the Complaint sent by regular mail was not returned by the post office.

5. The Notification of Procedural Rights informed Respondent that, under statutes and rules applicable to such proceedings before the Board, Respondent needed to file a formal Answer to the Complaint within twenty-one (21) days of service of the Complaint and that failure to timely file an Answer to the Complaint or otherwise defend against the action would constitute a default and would be sufficient grounds for proceeding administratively against Respondent's license without the necessity of conducting a hearing.

6. On February 3, 2004, a Notice of Proposed Default Order and Default Order, along with another copy of the Complaint and Notification of Procedural Rights, were sent to Respondent by means of the United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail, at the following address:

Joann M. Saunders
No. 10055-023
FCI Dublin
5701 8th Street – Camp Parks
Dublin, CA 94568

7. Respondent failed to contest entry of the proposed Default Order within seven (7) days of service of the Notice of Proposed Default Order.

8. Concurrent herewith, a Default Order was entered against Respondent. Therefore, the allegations contained in the Complaint on file in this matter are admitted as true without the necessity of conducting a hearing.

9. As detailed in the incorporated Complaint, on or about March 10, 2003, Respondent was found guilty of fifty (50) counts of wire fraud and three (3) counts of mail fraud, all felonies, in U.S. v. Saunders, United States District Court for the District

of Idaho Case No. CR-01-165-S-BLW, which counts involved providing false information and/or fraudulent statements to obtain Social Security disability benefits and disability benefits from the State of Idaho Public Employee Retirement System.

CONCLUSIONS OF LAW

1. As a licensed social worker in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 32, Idaho Code.

2. The Complaint was sent to Respondent at the address on file with the Board. Respondent was duly and lawfully given notice of proceedings against her license pursuant to the provisions of IDAPA 04.11.01.055.

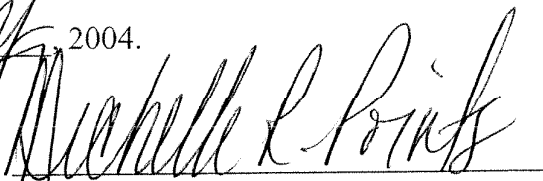
3. Respondent's failure to plead or otherwise defend in this action authorizes the Board, pursuant to Idaho Code § 67-5242(4) and IDAPA 04.11.01.700, to enter an Order of Default which is as lawful as if all the allegations in the Complaint were proved or admitted at a hearing.

4. Respondent's acts as detailed in the incorporated Complaint constitute violations of Idaho Code § 54-3211(1), thereby authorizing the Board to impose sanctions against Respondent pursuant to Idaho Code § 54-3204.

ORDER

Based upon the foregoing, it is the recommendation of the Hearing Officer that the Board take such action as it deems appropriate consistent with the Findings of Fact and Conclusions of Law stated above.

DATED this 18th day of February, 2004.


Michelle R. Points
Hearing Officer

NOTICE OF DUE PROCESS RIGHTS

This is a recommended order of the Hearing Officer. It will not become final without action of the Board. Any party may file a petition for reconsideration of this recommended order with the Hearing Officer issuing the order within fourteen (14) days of the service date of this order. The Hearing Officer issuing this recommended order will dispose of any petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5243(3).

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of this recommended order and file briefs in support of the party's position on any issue in the proceeding.

Written briefs in support of or taking exceptions to the recommended order shall be filed with the Board. Opposing parties shall have twenty-one (21) days to respond. The Board may schedule oral argument in the matter before issuing a final order. The Board will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties and for good cause shown. The Board may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order.

CERTIFICATE OF SERVICE

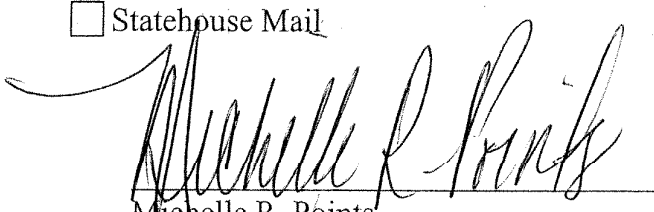
I HEREBY CERTIFY that on this 18th day of February, 2004, I caused to be served a true and correct copy of the foregoing by the following method to:

Joann M. Saunders
No. 10055-023
FCI Dublin
5701 8th Street – Camp Parks
Dublin, CA 94568

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Stephanie N. Guyon
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail


Michelle R. Points
Hearing Officer

RECEIVED

MAY 14 2004

BUREAU OF
OCCUPATIONAL LICENSING

In the Matter of the License of:

JOANN M. SAUNDERS,
License No. LSW-552

Respondent.

STATE OF IDAHO

ORIGINAL

Case No. SWO-P.A.-02B-03-15

FINAL ORDER

THIS MATTER came before Michelle R. Points, the designated Hearing Officer. The State appeared by its attorney of record, Stephanie N. Guyon, Idaho Deputy Attorney General. Respondent, Joann M. Saunders, failed to answer or appear in this proceeding. On February 3, 2004, the Hearing Officer entered a proposed Default Order which was mailed to Respondent. Thereafter, based upon Respondent's failure to answer or object, the Hearing Officer entered a Default Order in the matter on February 18, 2004. On February 18, 2004, the Hearing Officer submitted her Findings of Fact, Conclusions of Law and Recommended Order.

This matter then came before the Idaho State Board of Social Work Examiners, and good cause appearing therefor, the Board unanimously adopted the following Order.

IT IS HEREBY ORDERED as follows:

1. The Board adopts the Hearing Officer's Findings of Fact and Conclusions of Law, and incorporates the same herein by this reference.
2. That Respondent's actions constitute a violation of Idaho Code Section 54-3211(1) based upon Respondent's conviction of a felony or offense involving moral turpitude, and further constitute grounds for disciplinary action against her license to practice social work in the

FINAL ORDER - 1.

state of Idaho pursuant to Idaho Code Section 54-3211. The Board therefore imposes the following disciplinary sanctions upon Respondent Joann M. Saunders:

- a. That Respondent's license shall be revoked.
- b. That Respondent shall pay the costs and attorney's fees incurred in the investigation and prosecution of this matter in the total amount of Six Hundred Ninety-Three and 54/100 Dollars (\$693.54), to be paid within sixty (60) days from the date of this Order.

3. This is the Final Order of the Board.

- a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (*See*, Idaho Code Section 67-5247(4).)

- b. Pursuant to Idaho Code Sections 67-5270 and 57-5272, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

- c. An appeal must be taken within twenty-eight (28) days: (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (*See*, Idaho Code Section 67-5273.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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4. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent and the State=s attorney by mailing a copy to them at their addresses as provided.

DATED this 12 day of May, 2004.

STATE BOARD OF SOCIAL WORK
EXAMINERS

By 
Robert Payne, Chairman

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on the 12th day of May, 2004, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

Stephanie N. Guyon
Deputy Attorney General
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☒ Statehouse Mail
☐ U.S. Mail
☐ Hand Delivered
☐ Fax Transmission

Joann M. Saunders
No. 10055-023
FCI Dublin
5701 8th Street B Camp Parks
Dublin, CA 94568

☒ Certified Mail
☒ U.S. Mail
☐ Hand Delivered
☐ Fax Transmission


Rayola Jacobsen, Bureau Chief

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FINAL ORDER - 3.